

## Pesticide Operator Licence

Pursuant to *The Environmental Protection Act SNL 2002 cE-14.2*  
and *The Pesticides Control Regulations, 2012*  
and subject to the attached stipulations, this licence  
is issued to :

### Department of Natural Resources

Valid From  
August 01, 2014  
to  
August 01, 2019

**Valid Categories**

Aerial  
Forestry

Licence No. 14-049



*Minister of Environment  
and Conservation*

## **Pesticide Operator Licence - Terms and Conditions**

**Department of Natural Resources**

**Forest Engineering & Industry Services Division**

**PESTICIDE OPERATOR LICENCE NO: 14-049**

**EFFECTIVE DATE: August 01, 2014**

**EXPIRY DATE: August 01, 2019**

### **1. DEFINITIONS**

- Buffer:** means a defined space within which treatment is excluded and which extends a set distance outward in all directions from the boundary of an area designated for protection.
- Human habitation:** means every structure in which a person or persons resides on either a part-time or full time basis.
- Lawn:** means a plot of grass that is maintained at a regular and approximately uniform height through periodic and regular mowing.
- Penstock:** means a pipeline leading from the intake to the turbines.
- Private property:** means land owned or leased by an individual, group of individuals or other legal entity such as a company or corporation, for which clear title has been granted, and for which a record exists either through the Registry of Deeds or Crown Lands.
- Right-of-Way (ROW):** means an easement, granted by the land owner that permits the construction and operation of a utility corridor for the purpose of transmitting electricity. The utility corridor may be of varying lengths and widths.
- Water body:** means any surface (high water mark) or subterranean source of fresh or salt water within the province, whether such course usually contains water or not, and includes coastal water within the jurisdiction of the province and includes water above the bed of the

sea that is within the jurisdiction of the province, any river, stream, brook, creek, wetland, water course, lake, pond, spring, lagoon, ravine, gully, canal and any other flowing or standing water and the land usually or at the time covered by any such body of water.

"water" means all water located in or derived from a body of water;  
*Water Resources Act*

Well: means an artificial opening in the ground from which water is obtained or that is made for the purpose of exploring for or obtaining water.

## 2. LEGISLATION

- (1) For the purpose of this licence, all definitions and regulations as indicated in the *Environmental Protection Act SNL 2002 cE-14.2* and the *Pesticides Control Regulations, 2012* shall apply.
- (2) All applications shall be conducted in strict compliance with the label registered under the authority of the *Pest Control Products Act (Canada)*.

## 3. PESTICIDE OPERATOR RESPONSIBILITY

- (1) The operator shall be limited to using only those pesticides (See Appendix A), applicators (See Appendix B) and vehicles (See Appendix C) as indicated on its pesticide operator licence application dated **July 30, 2014**. Any changes in the program outlined in the application must receive the written approval of the manager, Pesticides Control Section, prior to their implementation.
- (2) The operator shall review these terms and conditions with each applicator prior to the start of each season, and a copy of the terms and conditions shall be provided to each applicator.
- (3) A copy of the operator's licence and these terms and conditions shall be available at each site during the application of a pesticide.
- (4) The operator shall ensure that all applicators have their pesticide applicator licences in their possession while applying pesticides unless otherwise indicated by the Pesticides Control Section.
- (5) Upon completion of the pesticide program for the year the operator shall submit to the Pesticides Control Section:
  - (a) details regarding the type and quantity of each pesticide used, and
  - (b) the name of the vendor/s from whom the pesticide was purchased.

This information shall be submitted no later than **December 31** of each year. Licences for the following season will not be processed until this information is received.

- (6) The operator shall ensure that all application equipment is maintained in good working order to prevent damage to the environment and/ or injury to individuals working with or near the equipment.

#### **4. VEHICLES**

- (1) All vehicles used during the application of pesticides for landscape, structural or industrial vegetation management programs shall have the registered/ incorporated company name, or any other name under which this company trades, **as per this pesticide operator licence**, prominently displayed on the vehicle. The name shall be displayed on both the driver and passenger sides of vehicle.
- (2) Concentrated pesticides transported in a vehicle during spray operations shall be contained in a lock box, a secure area or compartment which must be locked while unattended.
  - (a) Pesticides shall not be transported in the passenger compartment of any vehicle.
- (3) A quantity of approved absorbent materials shall be on hand at all times in case of a spill. The vehicle shall also carry clean-up equipment including but not limited to, shovels, brooms, and bags/buckets.

#### **5. SPILL REPORTING**

- (1) All spills involving greater than 70 litres of mixed pesticide or the equivalent of unmixed formulation shall be reported immediately.
- (2) All spills involving mixed or unmixed pesticide into a water body or within 100 meters of a water body, well or area frequented by people shall be reported immediately.
- (3) Spills involving less than 70 litres of mixed pesticide or equivalent amount of unmixed formulation in areas not frequented by people, and remote from water bodies or wells shall be duly recorded by the operations supervisor. Records of all such incidents (spills) shall be kept on file by the operator. These records should include details such as date of spill, location, product and quantity, employee on site, and clean up procedure. These records should be submitted to the Pesticide Control Section with the annual summary.
- (4) Reporting of spill incidents shall be made to the Pesticides Control Section, St. John's (ph.1-800-563-6181) and to Environment Canada, St. John's (ph.709-772-2083).

## 6. CONTINGENCY PLAN

A copy of the operator's contingency plan shall be carried in all vehicles transporting liquid pesticide formulations and at the entrance of the operator's approved pesticide storage area.

The contingency plan shall include:

Section 1 - Emergency Telephone Numbers

Section 2 - Spill Reporting Instructions

Section 3 - Emergency First Aid Procedures from Pesticide Labels  
(as listed in Appendix A of this document)

Section 4 - Pesticide Spill Procedure

Section 5 - Spill Response Kit

Section 6 - Protocol to Respond to Fires

Section 7 - Protocol to Respond to Theft

Section 8 - First Aid Procedures for Pesticide Poisoning

Section 9 - Pesticide Labels or Material Safety Data Sheets (MSDS)  
(as listed in Appendix A of this document)

## 7. STORAGE

- (1) All pesticide storage sites shall meet the requirements of Section 21 of the *Pesticides Control Regulations, 2012* which are as follows:
  - (a) A source of water in an area in or adjacent to the storage area;
  - (b) Approved safety equipment as required which is properly maintained, functional and available at all times for personnel handling and working with pesticides;
  - (c) Flooring which shall not contain a floor drain or catch basin which is directly or indirectly connected to a private or municipal sewage system or public water course;
  - (d) Flooring which shall be capable of being readily cleaned and decontaminated of pesticides stored within;
  - (e) Adequate ventilation by either natural or mechanical means so as to prevent the accumulation of toxic or flammable vapours;
  - (f) A "Danger Stored Pesticide" sign posted on all entrances which is printed in block letters 5 centimetres or more in height;
  - (g) Clean-up procedures consistent with the instructions of the minister or a person designated by the minister; and
  - (h) Other provisions which may be stipulated on the licence by the minister or person designated by the minister.
- (2) In addition to the above storage requirements, each pesticide storage site shall have prominently displayed on all entrances contact telephone numbers for:
  - (a) the operator and
  - (b) the Department of Environment and Conservation, Pesticides Control Section, and indicated accordingly.

- (3) All entrances to storage sites shall be locked when the owner or an employee of the owner is not present.
- (4) Pesticides shall be stored in their original container or a substitute container approved by the manufacturer. Substitute containers shall be labelled appropriately.

## **8. PROTECTIVE EQUIPMENT**

The operator shall provide and ensure that all personnel involved in the mixing, loading, and application of pesticides wear appropriate protective equipment in accordance with the pesticide manufacturer's product label and/or material safety data sheet.

## **9. DISPOSAL**

- (1) Empty pesticide containers which have been triple rinsed, cleaned and rendered unusable may be disposed of at an approved waste disposal site.
- (2) Contaminated material shall be disposed of in accordance with the manufacturer's directions and in consultation with the Pesticides Control Section.

## **10. WEATHER CONDITIONS**

- (1) All exterior spraying activities, except foliar applications of insecticides to trees taller than three (3) meters, are permitted only when:
  - (a) wind speeds are between 2 and 15 km/h,
  - (b) air temperatures are below 25° C,
  - (c) the relative humidity is above 50%, and
  - (d) it is not raining nor is rain anticipated over the next 2 hour period.
- (2) Foliar applications of insecticides to trees taller than three (3) meters, are permitted only when:
  - (a) wind speeds are between 2 and 10 km/h,
  - (b) air temperatures are below 25° C,
  - (c) the relative humidity is above 50%, and
  - (d) it is not raining nor is rain anticipated over the next 2 hour period.
- (3) All exterior granular pesticide applications are permitted only when:
  - (a) air temperatures are below 25° C,
  - (b) the relative humidity is above 50%, and
  - (c) it is not raining nor is rain anticipated over the next 2 hour period.

- (4) Exceptions to weather conditions may be granted on a case by case basis. Contact the Pesticides Control Section for details.

**11. PUBLIC NOTIFICATION**

The operator shall ensure that public notification programs are carried out as per the applicable attachment to these terms and conditions.

**12. BUFFER ZONES**

The operator shall adhere to all buffer zones indicated in the applicable attachment.

**13. ADDITIONAL STIPULATIONS**

The operator shall adhere to all additional conditions stipulated in the applicable attachment.

**14. REVOCATION**

If an operator, its agent, employee or a licensed pesticide applicator under its control, fails to comply with the *Environmental Protection Act SNL 2002 cE-14.2*, the *Pesticides Control Regulations, 2012* or the stipulations attached to its operator licence, the Minister of Environment and Conservation may suspend, revoke, or cancel the subject licence and/or prosecute under the *Environmental Protection Act SNL 2002 cE-14.2*.

**15. OFFENCE**

An operator, his or her agent, employee or a licenced pesticide applicator under his or her control who does not comply with a term or condition of his or her licence or who contravenes the *Environmental Protection Act SNL 2002 cE-14.2* or the *Pesticides Control Regulations, 2012* is guilty of an offence.

- 16.** The Department of Environment and Conservation reserves the right to amend the terms and conditions of this licence at any time.

**APPENDIX A  
PESTICIDE LIST**

**Department of Natural Resources**

**Forest Engineering & Industry Services Division**

**PESTICIDE OPERATOR LICENCE NO: 14-049**

These are the only pesticides that have been approved for storage and use except as noted below for this pesticide operator licence. The operator is not permitted to purchase, apply, store or otherwise handle pesticides not on this list.

If you require additional pesticides, please submit the form, "Request for Additional Pesticide(s)", to Fax # (709) 729-6969 or in writing to:

Pesticides Control Section  
P.O. Box 8700  
St. John's, NL  
A1B 4J6

Pesticide Name

Foray 76B

PCP Act Reg. # Formulation Restriction

24976

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# APPENDIX C VEHICLE LIST

## Department of Natural Resources

### Forest Engineering & Industry Services Division

PESTICIDE OPERATOR LICENCE NO: **14-049**

These are the only vehicles that have been approved for use under this pesticide operator licence. The operator is not permitted to operate, for the purpose of applying pesticides, any other vehicle that is not on this list.

If you intend to make changes to the vehicle list, please submit the form, "Notice of Vehicle Addition / Removal", to Fax # (709) 729-6969 or in writing to:

Pesticides Control Section

P.O. Box 8700

St. John's, NL

A1B 4J6

<u>Vehicle Make</u>	<u>Model</u>	<u>Year</u>	<u>Licence</u>
Western Star	Boom Stake Boc	1999	GPG 962
Ford	F250 4x4	2010	GPN 044
Freightliner	Fuel Tanker	2012	GPN 288
Ford	F-150	2013	CWC 672
Dodge	Ram 1500	2014	GPO 219
Ford	F-150	2014	CWJ 743

# ATTACHMENT C

## PESTICIDE OPERATOR LICENCE

### FORESTRY - INSECTICIDE PROGRAM

- C1.** (i) **For all ground pesticide operations** involving a total of 300 ha or more, dyking, security, storage and communication plans shall be provided and approved by the Pesticides Control Section in advance of any spray program for all locations where any pesticide is to be mixed or loaded.
- (ii) **For all aerial pesticide operations** dyking, security, storage and communication plans shall be provided and approved by the Pesticides Control Section in advance of any spray program for all locations where any pesticide is to be mixed or loaded.
- (iii) The operator will also be responsible for the development of contingency plans and associated call out notifications to the satisfaction of the Pesticides Control Section in advance of any spray program.
- C2.** For aerial control programs, the Pesticides Control Section shall be advised of the spray plan, block readiness, treatments carried out, etc. on a daily basis. To contact the Pesticides Control Section, please call **Eastern Office** - (709) 729-2565; FAX: (709) 729-6969; **Central Office** – (709) 256-1175 FAX: (709) 256-1095; **Western Office** - (709) 637-2528, FAX: (709) 637-2541.
- C3.** (i) Aerial spraying of pesticides is generally not permitted within Protected Water Supply Areas. The storage, mixing, loading and application of any pesticide within Protected Water Supply Areas requires a separate approval from the Water Resources Management Division of the Department of Environment and Conservation. The approval request shall provide detailed information on the type and duration of activity, location of activity (to be delineated on a 1:50 000 NFS topographical map), name of the pesticide along with its composition and toxicity data, application rate, application method, as well as any other information required.
- (ii) The operator assumes liability to provide an alternate source of water to the affected community or communities as a result of the source of water supply being contaminated due to the spray program.

## PUBLIC/MUNICIPALITY NOTIFICATION PROGRAMS

- C4. (i) For pesticide operations involving treatments of **pesticides applied aurally**, the public shall be advised of the purpose and scope of the project and of the issuance of this licence by means of a notice published in at least one (1) newspaper with circulation in municipalities whose boundaries encompass treatment areas. The newspaper ad will appear in any issue at least one week prior to commencing the program. The ad will state all areas that are proposed for treatment during the program. The ad will also contain contact information (website address, toll free information number or other) for individuals who wish to obtain additional information; and the telephone numbers of the Operations Supervisor and the Pesticides Control Section, 1-800-563-6181, and indicated accordingly.

A copy of the newspaper ad and/or receipt shall be mailed or faxed to the Pesticides Control Section.

(ii) A toll-free information line shall be set up one week prior to commencement of the spray program, for the duration of the spray program, and will remain operational until September 30 of this year. The toll-free number will be advertised prior to the beginning of the spray program.

(iii) Daily notification through press releases shall be made by the licensed pesticide operator, for the duration of the spray program. Regular updates will be made regarding the status of the program. All updates will identify the toll-free information number.

- C5. (i) For aerial control programs, municipal governments whose boundaries encompass treatment and storage areas shall be notified prior to commencement of the programs. As per provisions of the *Urban and Rural Planning Act* and the *Municipalities Act*, any activity within a town boundary requires approval of the town council in question.

(ii) For all programs involving the aerial application of pesticides, the operator shall be required to submit the details of municipality information programs to the Department of Environment and Conservation. The details of said municipality information programs must be approved in advance by the Department of Environment and Conservation.

- C6.** For aerial control programs, the public shall be advised of local treatments by the posting of signs in the area. The sign shall be as follows:

<p>This area is to be treated with a federally registered pesticide</p> <hr/> <p>Name of Formulation</p> <hr/> <p>PCP Act Registration Number</p> <p>On</p> <hr/> <p>Date of Application</p> <p>For more information contact:</p> <hr/> <p>Company Name and Phone Number</p> <p>Or</p> <p>Department of Environment and Conservation 1-800-563-6181</p>
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The particulars (location, timing, size of sign, etc.) of said posting shall be set by the Pesticides Control Section prior to spray programs.

- C7.** The operator and/or his agent shall make every reasonable attempt to verbally notify adjacent owners, prior to the spray program, who, given the nature of the control operation, might be expected to benefit from said notification. In the event that this cannot be done, the operator shall post signs (as specified in C6.) along access road(s) leading to all dwellings located within the proposed spray area(s).
- C8.** In the event that formulations containing Btk are to be used, the brochure "Protecting the Forests with Btk" is to be distributed to all municipal councils with boundaries that may contain spray blocks. In addition, the brochure is to be made readily available to members of the general public. Additional distribution is encouraged but is done so at the pesticide operator's discretion.

## BUFFER ZONES

C9. For any pesticide application involving, either directly or indirectly, an aircraft of any sort, the operator shall maintain an **800 meters buffer zone around all occupied osprey and bald eagle nests** and a minimum aircraft height of 250 meters during the period May 1 to August 15.

C10. ***Bacillus thuringiensis kurstaki (Btk)***

If approved for aerial application in Protected Water Supply Areas, the operator shall provide the following widths of buffer zones, or any other buffer widths as specified by the Water Resources Management Division, along and around water bodies from the high water mark in a designated area:

<u>WATER BODY</u>	<u>WIDTH OF BUFFER ZONE</u>
Intake pond or lake	a minimum of 150 meters
River intake	a minimum of 150 meters for a distance of one (1) kilometer upstream and 100 meters downstream
Main river channel	a minimum of 75 meters
Major tributaries, lakes or ponds	a minimum of 50 meters
Other water bodies	a minimum of 30 meters

## MIXING, RINSING AND LOADING

C11. All pesticide mixing and rinsing sites shall be located a minimum of 50 meters from the nearest water body. Loading of equipment with **water only** prior to the addition of pesticide can be done up to 5 meters from a water body. Addition of pesticide to the water in the equipment shall be performed at least 50 meters from the nearest water body.

C12. Where water must be pumped directly into the formulation tank, an antibackflow device must be fitted onto the pump and the siting should be that the formulating unit be at least 30 meters from the watercourse and that the pesticides not be opened for addition to the

formulation tank until the equipment has been filled with water and is out of the respective buffer zone.

**C13.** The Department of Environment and Conservation reserves the right to amend the attachments of the terms and conditions of this licence at any time.

***Feb. 08, 2013***